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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,913	03/01/2002	Thomas Matthews	378775.0005	7140
4372 7590 01/16/2007 ARENT FOX PLLC 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER JEAN GILLES, JUDE	
			ART UNIT 2143	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/084,913

Applicant(s)

MATTHEWS ET AL.

Examiner

Jude J. Jean-Gilles

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2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-43 is/are pending in the application.
- 4a) Of the above claim(s) 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-26 and 28-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Action is in regards to the RCE Reply received on 12/19/2006. Claimed priority is granted from provisional application filed 03/01/2001.

Response to RCE communication

1. This action is responsive to the RCE filed on 12/19/2006. By the foregoing amendment, claims 30 and 37 have been amended, claim 27 has been canceled, and new claim 43 has been added. No new matter has been added. Claims 1-21 have been previously canceled. Thus, claims 22-26 and 28-43 are pending in this application and subject to examination as proceeded below. Claims 22-26 and 28-43 represent a method and apparatus for a "Network Management."

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 22, 29, 30, 37, and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22, recites the phrase "*the network management server*" in lines 5 and 7. There is no antecedent basis for this limitation in the claim.

Claim 29, recites the phrase "*the network management server*" in lines 5 and 7. There is no antecedent basis for this limitation in the claim.

Claim 30, recites the phrase "*the network management server*" in lines 4 and 5. There is no antecedent basis for this limitation in the claim.

Claim 37, recites the phrase "*the network management server*" in line 8. There is no antecedent basis for this limitation in the claim.

Claim 39, recites the phrase "*the network management server*" in lines 3 and 4. There is no antecedent basis for this limitation in the claim.

Appropriate correction is required. The above noticed problems are just exemplary. Applicant is required to totally check the application for error and correct the same.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 22-26, and 28-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mann et al (Mann), Patent No. 6,654,801 B2 in view of Flores et al (hereinafter Flores) U.S. Patent No. 6,656,937 B1.

Regarding claim 22: Mann discloses the invention substantially as claimed. Mann discloses a method for remote response and resolution of network and system failures, the method comprising:

upon receiving notification of a network or system failure, obtaining secure

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access to a client network infrastructure from a remote device (column 2, lines 50-67; column 3, lines 15-31; column 8, lines 56-67);

transmitting a remote device message to the network management server, the message comprising at least one instruction (column 6, lines 1-12; column 8, lines 3-27, 56-67);

at the network management server, translating each instruction into a series of commands that are executable against multiple network components (column 6, lines 1-12; column 8, lines 3-27, 56-67); and
identifying and providing a resolution to the network or system failure (column 9, lines 5-35).

However, applicants argue in the RCE filed on 12/19/2006, that Specifically, Mann is directed to "a method for providing remote management and maintenance of a node or service within a data communications network that is initiated by the data communications network management system's failure to receive operational status signals [or receipt of abnormal condition signals] from a node or service... The system administrator can take appropriate action to rectify the problem."See column 2, line 50 through column 3, line 14. Thus, for example, Mann discloses detecting a problem from within the network, e.g. by the network management system either receiving, or failing to receive, a signal from a network node or service, and the "system administrator... [taking] appropriate action to rectify the problem...". In conclusion, applicants stated that the claimed invention, by contrast, among other things, is directed to above-cited combination of features to be performed via a remote device upon detecting a network

or system failure, as recited in this claim. The cited art of Mann fails to disclose or suggest at least these combinations of features and that for at least these reasons, the Applicant submits that claim 22 is allowable over the cited art.

In the same field of endeavor, Flores discloses an "... *The method includes determining a state of a process, transmitting an alert message to a remote device if the process is in a first state, selectively initiating a fault recovery action in accordance with response signal (received in response to the alert signal), and initiating a default recovery action if the response message is not received within a specified time period...*" [see Flores, fig. 2; see also abstract; see column 47-63].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Flores' teachings of obtaining upon receiving notification of a network or system failure, secure access to a client network infrastructure from a remote device with the teachings of Mann, because "*many organizations may not be able to afford the money or consumption of personnel resources to maintain a 24-hour watch on their computer systems*. Thus, it would be beneficial to provide a software fault recovery technique that may be initiated remotely" as stated by Flores in lines 40-45 of column 1. By this rationale, **claim 22** is rejected.

Regarding **claim 23**, the combination Mann-Flores discloses the method of claim 22, wherein translating occurs via an updatable mapping table that contains each instruction and the series of commands corresponding to the instruction (column 4, lines 53-67; column 5, lines 1-40).

Regarding **claim 24**, The combination Mann-Flores discloses the method of claim 22, further comprising:
transmitting to the network management server the remote device message in a first format (column 5, lines 41-67; column 6, lines 1-12);
converting the remote device message to a second format compatible with a network management protocol (column 5, lines 41-67; column 6, lines 1-12); and
transmitting a message in the second format to at least one network component (column 6, lines 1-12; column 8, lines 3-27, 56-67).

Regarding **claim 25**, The combination Mann-Flores discloses the method of claim 22, wherein the remote device message is a network command (column 4, lines 53-67; column 5, lines 1-40).

Regarding **claim 26**, The combination Mann-Flores discloses the method of claim 22, wherein the remote device message is encrypted, the method further comprising:
decrypting the message (see Mann; column 4, lines 53-67; column 5, lines 1-40; also note that the concept of encrypting and decrypting is inherent to most integration systems when integrating applications from diverse protocols).

Regarding **claim 28**, The combination Mann-Flores discloses the method of claim 22, further comprising:
receiving registration information, the registration information including user information and remote device information, wherein the registration information is usable in authenticating the remote device prior to communicating with the remote

device (see Mann; column 9, lines 6-53).

Regarding **claim 29**, The combination Mann-Flores discloses a method for remote response and resolution of network and system failures, the method comprising: upon receiving notification of a network or system failure, obtaining secure access to a client network infrastructure from a remote device (see Mann; column 2, lines 50-67; column 8, lines 56-67); [see Flores, fig. 2; see also abstract; see column 47-63]; transmitting a remote device message to the network management server, the message comprising at least one instruction (see Mann; column 6, lines 1-12; column 8, lines 3-27, 56-67); at the network management server, translating each instruction into a series of commands that are executable against multiple network components, wherein translating occurs via an updatable mapping table that contains each instruction and the series of commands corresponding to the instruction (see Mann; column 6, lines 1-12; column 8, lines 3-27, 56-67); and identifying and providing a resolution to the network or system failure (see Mann; column 9, lines 5-35).

Regarding **claim 30**, The combination Mann-Flores discloses the tool for remote response and resolution of network and system failures, the tool comprising; means for obtaining secure access to a client network infrastructure from a

remote device upon receiving notification of a network or system failure(see Mann; column 2, lines 50-67; column 8, lines 56-67); [see Flores, fig. 2; see also abstract; see column 47-63];

means for transmitting a remote device message to the network management server, the message comprising at least one instruction (see Mann; column 6, lines 1-12; column 8, lines 3-27, 56-67);

translating means for translating each instruction into a series of commands that are executable against multiple network components (see Mann; column 6, lines 1-12; column 8, lines 3-27, 56-67);and

means for identifying and providing a resolution to the network or network failure (see Mann; column 9, lines 5-35).

Regarding **claim 31**, The combination Mann-Flores discloses the tool of claim 30, wherein the translating means comprises an updatable mapping table that contains each instruction and the series of commands corresponding to the instruction (see Mann; column 4, lines 53-67; column 5, lines 1-40).

Regarding **claim 32**, The combination Mann-Flores discloses the tool of claim 30, further comprising:

first transmitting means for transmitting to the network management server the remote device message in a first format (see Mann; column 5, lines 41-67; column 6, lines 1-12);

means for converting the remote device message to a second format compatible with a network management protocol', and

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second transmitting means for transmitting a message in the second format to at least one network component (see Mann; column 6, lines 1-12; column 8, lines 3-27, 56-67).

Regarding **claim 33**, The combination Mann-Flores discloses the tool of claim 30, wherein the remote device message is a network command (see Mann; column 4, lines 53-67; column 5, lines 1-40).

Regarding **claim 34**, The combination Mann-Flores discloses the tool of claim 30, wherein the remote device message is encrypted, the tool further comprising: means for decrypting the message (see Mann; column 4, lines 53-67; column 5, lines 1-40; also note that the concept of encrypting and decrypting is inherent to most integration systems when integrating applications from diverse protocols).

Regarding **claim 35**, The combination Mann-Flores discloses the tool of claim 30, wherein the remote device is selected from a group consisting of a clientless wireless device, a session based wireless device, a paging wireless device, and an email-based wireless device (see Mann; fig. 3, items 68-76).

Regarding **claim 36**, The combination Mann-Flores discloses the tool of claim 30, further comprising:
means for receiving registration information, the registration information including user information and remote device information, wherein the registration information is usable in authenticating the remote device prior to communicating with the remote device (see Mann; column 9, lines 6-53).

Regarding **claim 37**, The combination Mann-Flores discloses a computer program product comprising a computer usable medium having control logic stored therein for causing a computer to remotely respond to and resolve network and system failures, the control logic comprising:

first computer readable program code means for obtaining secure access to a client network infrastructure from a remote device upon receiving notification of a network or network failure (see Mann; column 2, lines 50-67; column 8, lines 56-67); [see Flores, fig. 2; see also abstract; see column 47-63];

second computer readable program code means for transmitting a remote device message to the network management server, the message comprising at least one instruction (see Mann; column 6, lines 1-12; column 8, lines 3-27, 56-67);

third computer readable program code means for translating each instruction into a series of commands that are executable against multiple network components (see Mann; column 6, lines 1-12; column 8, lines 3-27, 56-67); and

fourth computer readable program code means for identifying and providing a resolution to the network or tool failure (see Mann; column 9, lines 5-35).

Regarding **claim 38**, The combination Mann-Flores discloses the computer program product of claim 37, wherein the third computer readable program code means comprises an updatable mapping table that contains each instruction and the series of commands corresponding to the instruction (see Mann; column 4, lines 53-67; column 5, lines 1-40).

Regarding **claim 39**, The combination Mann-Flores discloses the computer program product of claim 37, further comprising:

fifth computer readable program code means for transmitting to the network management server the remote device message in a first format (see Mann; column 5, lines 41-67; column 6, lines 1-12);

sixth computer readable program code means for converting the remote device message to a second format compatible with a network management protocol (see Mann; column 5, lines 41-67; column 6, lines 1-12); and

seventh computer readable program code means for transmitting a message in the second format to at least one network component (see Mann; column 6, lines 1-12; column 8, lines 3-27, 56-67).

Regarding **claim 40**, The combination Mann-Flores discloses the computer program product of claim 37, wherein the remote device message is a network command (see Mann; column 4, lines 53-67; column 5, lines 1-40).

Regarding **claim 41**, The combination Mann-Flores discloses the computer program product of claim 37, wherein the remote device message is encrypted, the computer program product further comprising:

fifth computer readable program code means for decrypting the message (see Mann; column 4, lines 53-67; column 5, lines 1-40; also note that the concept of encrypting and decrypting is inherent to most integration systems when integrating applications from diverse protocols).

Regarding **claim 42**, The combination Mann-Flores discloses the computer program product of claim 37, wherein the remote device is selected from a group consisting of a clientless wireless device, a session based wireless device, a paging wireless device, and an email-based wireless device (see Mann; fig. 3, items 68-76).

Regarding **claim 43**, The combination Mann-Flores discloses the method of claim 22, further comprising naming the series of commands; and providing the named series of commands as a menu item at the remote device; wherein selection of the menu item at the remote device results in execution of the series of commands at the network management server [see Flores; column 2, lines 48-67; column 6, lines 26-40].

Conclusion

6. **THIS ACTION IS MADE NON-FINAL.** Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

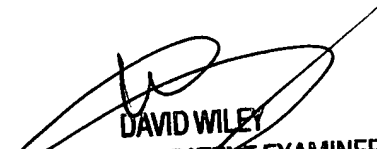
Jude Jean-Gilles

Patent Examiner

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JJG

January 07, 2006


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